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10474-0071

**Re: Proposed rule and supporting DEIS limiting the take of Cook Inlet Beluga
Whales by Alaska Natives**

To the Marine Mammal Division:

Chugach Electric Association, Inc. ("Chugach") submits these comments on the proposed rules for the taking of the Cook Inlet, Alaska, stock of beluga whales by Alaska Natives, published on October 4, 2000, and on the Draft Environmental Impact Statement ("DEIS") supporting the proposed rule.

The proposed rule and the DEIS recognize that the only known cause of the decline in the Cook Inlet beluga whale population is Native hunting. Chugach agrees with this assessment.

The DEIS also contains a discussion, in section 4.8, of potential cumulative impacts on Cook Inlet beluga whales from all Cook Inlet activities. Factors other than hunting discussed in this section include non-human impacts like strandings, disease, and predation, and human activities like commercial fishing, oil spills, oil industry and municipal wastewater discharges, and noise. In evaluating these, along with the remaining factors identified in this section, NMFS has given adequate consideration to all of the factors that have been identified in past public comments as potentially having an impact on belugas.

Chugach agrees with the conclusion (on page 39 of the DEIS) that, with the exception of Native hunting, none of the identified activities can be directly linked to the recent decline of beluga whales, nor do they have an adverse impact on whale health, nor do they inhibit the recovery of beluga whales. Chugach believes, however, that NMFS has overstated the evidence in suggesting: "It seems likely that over time a qualitative effect from municipal, commercial and industrial activities in the Inlet on water quality and substrate may affect CI beluga whales." NMFS' own analysis demonstrates that such effects are not likely to occur over time. It may be that NMFS intended to state this proposition as a mere possibility, rather

than as a likely event. If that was the agency's intent, then the phrase "it seems likely" should be removed.

With regard to vessel noise, the analysis contained in the DEIS should be clarified. The discussion begins by recognizing the high degree to which belugas can adapt to repeated or on-going man-made noise when it is not associated with negative consequences. DEIS at pp. 52-53. The DEIS also recognizes that man-made noise is likely to be routine, and to occur at fairly high levels in Cook Inlet. DEIS at pp. 51 -53. The DEIS further recognizes that whales show little response to slow moving vessels and tolerate large vessel traffic. DEIS at p. 54. But the DEIS does not give enough weight to this evidence in the subsequent discussion of the importance of the whale's fidelity to particular sites on their behavior.

The DEIS identifies the possibility that beluga whales remain in the upper Inlet, despite in particular small boat noise, because of the habitat value of the area to the whales. DEIS at p. 54. This fidelity to particular sites may help explain why the whales do not react more strongly to small boat noise in the upper Inlet, even though they may associate small boat motors with hunting. The DEIS also states that in other areas of Alaska, belugas appear to have abandoned traditional sites in response to increased modernization of coastal communities. It does not comment on whether the whales are hunted in those communities.

Missing from the discussion of the whale's fidelity to tradition sites is the importance of the whales associating a negative consequence with particular noises – a point that was recognized at the beginning of the noise analysis. Site fidelity may be overcoming fear of the negative consequences the whales may have learned to associate with small boat motors and erratic movement. But the DEIS offers no evidence that noise that has no negative associations, such as larger vessel traffic, triggers this conflict between site fidelity and disturbing influences. It is just as likely that the whales, having not experienced negative consequences from larger, slower moving vessels, simply are not disturbed by noise from those vessels.

The conclusions regarding vessel noise in the DEIS are correct, in that there are no indications that vessel noise is precluding belugas from foraging sites, or otherwise having an identifiable impact on the distribution or population trends of the whales. The DEIS is also correct in that, given the fidelity of the Cook Inlet belugas to specific foraging sites, it is apparent that the continued willingness to use those sites is stronger than any possible disturbance impacts from noise or other factors. But in its conclusions the DEIS fails to give adequate consideration to the likelihood that beluga whales in Cook Inlet have habituated to the noise produced by larger vessel traffic, and simply are not disturbed by that noise source.

It is appropriate that the potential impacts of vessel noise and other non-hunting factors are not discussed in the notice of proposed rulemaking published in the Federal Register. While NMFS may be required to consider the potential for cumulative impacts

from other anthropogenic activities in its NEPA documentation, the DEIS demonstrates that such activities have not contributed to the decline in the Cook Inlet beluga whale population, and are not interfering with recovery of that population.

Sincerely,



Svend A. Brandt-Erichsen

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cc: Carol Johnson, Chugach Electric Association., Inc.